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DAKOTA ACCESS:

Court delays briefing on pipeline appeal

Ellen M. Gilmer, E&E reporter

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Federal judges are unlikely to make a decision this year on an appeal related to the Dakota Access pipeline.

The U.S. Court of Appeals for the District of Columbia Circuit released a **schedule today for legal motions in the case but deferred briefing on the Standing Rock Sioux Tribe's ongoing appeal of a lower court's decision to deny a broad injunction along the length of the 1,172-mile oil pipeline.**

Deferred briefing means the D.C. Circuit is unlikely to consider legal briefs or decide the case until next year. The three-judge panel did not release any explanation of its decision, but it could be waiting for the Obama administration to decide whether to grant a necessary easement for the pipeline to cross Lake Oahe, a dammed part of the Missouri River.

If the easement is granted this year, Dakota Access lawyers have said the company can complete construction within roughly two months.

The news comes two days after the court denied the tribe's emergency request for an injunction while the appeal is pending (*Greenwire*, Oct. 9).

Meanwhile, the core merits of the case — whether the Army Corps of Engineers met its consultation and National Historic Preservation Act requirements — remain pending at the U.S. District Court for the District of Columbia.

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